IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22901 of 2004

Between:

E. Kristaiah, S/o. E. Narayanappa,
R/o. Akuthotapalli Village, Anantapur Rural Mandal, Anantapur District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Anantapur, Anantapur

District.
3 The Mandal Revenue Officer, Anantapur Rural Mandal,

Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not passing any order in the appeal dated 7-12-2004 as illegal, arbitrary and consequently direct the respondents to continue the petitioner as Fair Price Shop Dealer of Aukutotapalli village, Pending disposal of the Appeal before the 1st respondent as well as enquiry before the 2nd respondent.

Counsel for the Petitioner: MR.K.SITA RAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

The authorization of the petitioner was suspended through proceedings, dated 04.12.2004. Aggrieved by the same, petitioner filed an appeal before the 1st respondent together with an application for stay. The 1st respondent refused to grant stay. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

On a perusal of the record, this Court finds that this is one of the rare cases where the 2nd respondent had meticulously followed the procedure prescribed under the A.P. Public Distribution System Control Order, 2001. He issued a show cause notice to the petitioner directing him to explain as to why the authorisation should not be suspended. Not only the individual charges were framed, but the details of allegations against the petitioner were indicated. Explanation to each and every charge was considered objectively and findings were recorded, and it was only thereafter, the authorization was suspended.

Petitioner has not filed a copy of the order said to have been passed by the 1st respondent. It is not as if the grant of stay in an appeal is a matter of course. Much would depend on the facts and circumstances of the case. Even assuming that the 1st respondent has not recorded any reasons, while rejecting the application for grant of stay, this Court is convinced that the order of suspension does not call for interference, at this stage. The 1st respondent can consider the matter at length, while disposing of the appeal.

Hence, the writ petition is dismissed. However, it is directed that the 1st respondent shall dispose of the appeal finally, as early as possible, not later than eight weeks months from the date of receipt of a copy of this order. No order as to costs.

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L.NARASIMHA REDDY, J

Dated : 10th December, 2004

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To

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Anantapur, Anantapur

District.
3 The Mandal Revenue Officer, Anantapur Rural Mandal,

Anantapur District.

4. 2CCs to G.P. for Civil Supplies, High Court Buildings,

Hyderabad(OUT).

5. 2CD copies